

1 DANIEL J. BERGESON, Bar No. 105439  
2 [dbergeson@be-law.com](mailto:dbergeson@be-law.com)  
3 JOHN W. FOWLER, Bar No. 037463  
4 [jfowler@be-law.com](mailto:jfowler@be-law.com)  
5 MELINDA M. MORTON, Bar No. 209373  
6 [mmorton@be-law.com](mailto:mmorton@be-law.com)  
7 BERGESON, LLP  
8 303 Almaden Boulevard, Suite 500  
9 San Jose, CA 95110-2712  
10 Telephone: (408) 291-6200  
11 Facsimile: (408) 297-6000

12 Attorneys for Plaintiff  
13 VERIGY US, INC.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 VERIGY US, INC, a Delaware Corporation

18 Plaintiff,

19 vs.

20 ROMI OMAR MAYDER, an individual;  
21 WESLEY MAYDER, an individual; SILICON  
22 TEST SYSTEMS, INC., a California Corporation;  
23 and SILICON TEST SOLUTIONS, LLC, a  
24 California Limited Liability Corporation,  
25 inclusive,

26 Defendants.

Case No. C07 04330 RMW (HRL)

**PLAINTIFF'S ADMINISTRATIVE  
MOTION FOR LEAVE TO FILE  
DOCUMENTS UNDER SEAL**

Judge: Honorable Ronald M. Whyte  
Ctm: 6

Complaint Filed: August 22, 2007  
Trial Date: None Set

1 Pursuant to Civil Local Rules 7-11(a) and 79-5(b), Plaintiff Verigy U.S., Inc. (“Plaintiff”  
2 or “Verigy”) requests that the following materials be filed under seal, as they contain trade secrets  
3 and other confidential research, development, or commercial information, which is developed and  
4 maintained in a highly confidential fashion and gives Verigy an advantage over its competitors.  
5 Disclosure of this material “could result in improper use of the material for . . . infringement upon  
6 trade secrets,” and therefore Verigy respectfully requests that it be filed under seal. *Hagestad v.*  
7 *Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). The document submitted under seal is Exhibit A  
8 to Verigy’s Amended Proposed Order Granting Plaintiff Verigy Us, Inc.’s Application for  
9 Temporary Restraining Order, Order to Show Cause re: Preliminary Injunction, and an Order  
10 Authorizing Expedited Discovery (the “Materials”).

11 The Materials discloses information that has been designated as ““Confidential” by Verigy  
12 because it contains confidential, proprietary and trade secret information relating to Verigy’s  
13 design specifications, technical procurement processes; research regarding customer device  
14 requirements; block diagrams; product development and strategic plans, product strategy;  
15 forecasted business demand; actual product consumption; business processes and tools; product  
16 technology roadmaps; product features and performance; product architecture; product  
17 development schedules; qualification processes and results; contract manufacturer agreements and  
18 business relationship; inventions; provisional patent applications; and future manufacturing  
19 strategies (collectively, the “Trade Secrets”). There is not yet a protective order in place in this  
20 action. Verigy’s confidentiality interest therefore overcomes the right of public access to the  
21 record, as a substantial probability exists that Verigy’s overriding confidentiality interest will be  
22 prejudiced if the record is not sealed. Further, the proposed sealing is narrowly tailored and no  
23 less restrictive means exist to achieve this overriding interest  
24

25 Although the information in the Materials is submitted under seal, Verigy relies on this  
26 information to show that its *ex parte* Application should be granted. Pursuant to Local Civil Rule  
27  
28

1 79-5(b)-(c), Defendants therefore lodge the Materials with this Court, and respectfully request  
2 leave to file the aforementioned documents under seal to protect Verigy's Trade Secrets.

3 Respectfully submitted.

4  
5 Dated: August 23, 2007

BERGESON, LLP

6 By: /s/  
7 Melinda M. Morton  
8 Attorneys for Plaintiff  
9 VERIGY US, INC.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28